

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

291D0442

HOUSE BILL NO. 1155

Introduced by: Representatives Wetz, Brooks, Crisp, Derby, Duenwald, Jaspers, Kazmerzak, Lintz, McNenny, and Sebert and Senators Benson, Drake, Kleven, Kloucek, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to exempt certain not for hire livestock hauling activities
2 from certain motor carrier and commercial vehicle requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-9-3 be amended to read as follows:

5 32-9-3. For the purposes of this chapter, the following do not come within the definition of
6 "motor carriers" or "commercial vehicles" if used in intrastate operations:

7 (1) A motor vehicle registered in South Dakota used to carry private business property
8 of five hundred pounds or less;

9 (2) A motor vehicle chassis registered in South Dakota on which is mounted a
10 cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine,
11 haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger,
12 mobile crane which exceeds the maximum size or weight limits prescribed by chapter
13 32-22, drag line, posthole auger, and which is not used for demonstration or display
14 purposes outside the limits of a municipality, or a truck tractor and trailer carrying
15 permanently mounted hay grinding equipment;

16 (3) Any motor vehicle registered in South Dakota used for the transportation of liquid or

solid livestock waste including trailers and equipment used to load liquid or solid livestock waste and any vehicle registered in South Dakota used for the application, distribution, spraying, or transportation from retail business to user of dry, liquid, or anhydrous ammonia fertilizers or agricultural chemicals;

(4) A motor vehicle registered in South Dakota of less than thirty thousand pounds gross weight owned by a merchant licensed under chapter 10-45 or ~~his~~ the merchant's commissioned paid employee and used to transport the merchant's previously sold merchandise to a purchaser outside the limits of a municipality and to return exchanged property or to transport fuels to a purchaser within a municipality or an unincorporated town which is without such service;

(5) A motor vehicle registered in South Dakota, owned by a farmer of this state and used by or for the farmer to transport property for ~~his~~ the farmer's farming operation, to transport farm property from farm to farm or from a community or market to ~~his~~ the farm or from ~~his~~ the farm to a community or market, to transport ~~fifteen or less head of~~ livestock without monetary compensation, or to transport farm property when the vehicles are used as reimbursement in the ordinary exchange of farm work if the provisions of § 49-28-8.2 are met;

(6) A motor vehicle registered in South Dakota operated by or for its owner and exclusively used to transport products originating in or produced from logging or mining operations or lumber milling waste products if such products are owned in fee by the motor vehicle owner;

(7) Except as provided in § 32-9-3.3, any motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis registered in South Dakota, which is used for highway construction or for the construction of stock water dugouts, dams, farm and ranch irrigation systems, or other soil and water conservation projects on farms and

1 ranches and used exclusively on the job site. Such equipment may move between job
2 sites or from job site to a central location;

3 (8) A motor vehicle used principally for providing prearranged transportation of persons
4 to or from their place of employment and is operated by a person who does not drive
5 the vehicle for ~~his~~ the person's principal occupation, but is driving it only to or from
6 ~~his~~ the person's principal place of employment or for personal use as permitted by the
7 owner of the vehicle;

8 (9) A motor vehicle that is not for hire and is operated solely for educational purposes by
9 a student or an instructor as part of a heavy motor vehicle or heavy equipment
10 operator's course offered by a nonprofit postsecondary institution located in the state;

11 (10) A motor vehicle used for personal purposes and not operated for private business use;

12 (11) A motor vehicle used for recreational purposes and not operated for private business
13 use;

14 (12) A motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis,
15 registered in South Dakota and used to move equipment involved in soil and water
16 conservation projects or township road work when operated between job sites or
17 from a job site to a central location or point of repair;

18 (13) Any motor vehicle used by an implement dealer to transport farm machinery to and
19 from a county fair or the state fair;

20 (14) A motor vehicle owned by a licensed motor vehicle dealer and used to transport
21 inventory replacement vehicles to the dealer's principal place of business. For the
22 purpose of this subdivision, motor vehicle does not include any motor vehicle which
23 carries inventory replacement vehicles entirely upon its own structure.